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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/662,704 | 09/15/2003 | Horst Klann | 71114 | 1027 |

23872 7590 03/16/2005
MCGLEW & TUTTLE, PC
1 SCARBOROUGH STATION PLAZA
SCARBOROUGH, NY 10510-0827

EXAMINER

WATSON, ROBERT C

ART UNIT PAPER NUMBER

3723

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10 / 662 , 704

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| EXAMINER |
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03142005

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Commissioner for Patents

Claims 1-18 are allowed.

Newly submitted claims 19-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The apparatus can be used to perform another process. For example, the apparatus can be used as a carrier for a gripped bottle. Further, the search for the apparatus and method are not coextensive and to perform such a search would be a serious burden for the office.

It is noted that claim 20 is directed to an apparatus and depends from the claim 19 method claim. Such a dependent claim is indeterminate of scope. However, inasmuch as claim 20 depends from the claim 19 method claim it is being grouped with the claim 19 method claim.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

This application is in condition for allowance except for the presence of claims 19-20 drawn to an invention non-elected by constructive election by original presentation of claims. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case

to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.


The prosecution of this case is closed except for consideration of the above matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw



ROBERT C. WATSON
PRIMARY EXAMINER